

1993 No. 585

**NATIONAL HEALTH SERVICE, ENGLAND
AND WALES**

**The National Blood Authority (Establishment and
Constitution) Order 1993**

<i>Made</i> - - - - -	<i>9th March 1993</i>
<i>Laid before Parliament</i> -	<i>11th March 1993</i>
<i>Coming into force</i> - - -	<i>1st April 1993</i>

The Secretary of State, in exercise of powers conferred on her by sections 11(1), (2) and (4) and 126(4) of, and paragraph 9(7)(b) of Schedule 5 to, the National Health Service Act 1977 (a) and of all other powers enabling her in that behalf, and after consultation, in accordance with section 11(5) of that Act, with such bodies as she recognises as representing officers who in her opinion are likely to be transferred or affected by transfers in pursuance of the Order, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the National Blood Authority (Establishment and Constitution) Order 1993 and shall come into force on 1st April 1993.

(2) In this Order—

“the Authority” means the National Blood Authority established by this Order;

“an old authority” means, in relation to an officer referred to in article 5 of this Order, the Central Blood Laboratories Authority (b) or the North Western Regional Health Authority (c);

“the transfusion service” means the arrangements made by Regional Health Authorities with respect to the collection and supply of blood in their respective regions for the purposes of the health service.

Establishment of the National Blood Authority

2. There is hereby established a special health authority which shall be known as the National Blood Authority.

(a) 1977 c. 49; section 11 was amended by paragraph 31 of Schedule 1 to the Health Services Act 1980 (c. 53) and by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); section 126(4) was amended by section 65(2) of the 1990 Act; paragraph 9(7) was inserted in Schedule 5 by paragraph 7(2) of Schedule 1 to the 1990 Act.

(b) See S.I. 1982/1515 and S.I. 1993/.

(c) See S.I. 1981/1836, article 3 and Schedule.

Functions of the Authority

3.—(1) Subject to and in accordance with such directions as the Secretary of State may give to the Authority (a), the Authority shall perform on behalf of the Secretary of State the functions specified in paragraph (2) of this article and such other functions as the Secretary of State may direct the Authority to perform on her behalf (a).

(2) The functions referred to in paragraph (1) of this article are—

- (a) the provision of laboratories for the manufacture of blood products and for other purposes;
- (b) the preparation of plasma fractions and other products for therapeutic, diagnostic and other purposes;
- (c) research and development in plasma protein fractionation and for other purposes;
- (d) the manufacture of blood grouping re-agents and other related re-agents;
- (e) the supply of products prepared or manufactured under sub-paragraph (b) or (d) above for the purposes of the health service;
- (f) the monitoring of the operation by Regional Health Authorities of the transfusion service, and the provision of advice to the Secretary of State in connection with that service;
- (g) the provision of advice to Regional Health Authorities as to the co-ordination of their respective activities in connection with the transfusion service, with a view to securing and maintaining an adequate supply of blood and plasma for the purposes of the health service;
- (h) the promotion, by advertisement and otherwise, of the transfusion service, in particular with a view to maintaining an adequate number of persons who are willing to donate blood for the purpose of that service;
- (i) the making of arrangements, on behalf of Regional Health Authorities, for the supply under NHS contracts of blood between those Authorities.

Constitution of the Authority

4.—(1) The Authority shall consist of—

- (a) the Chairman;
- (b) not more than five members who are not officers of the Authority;
- (c) the chief officer of the Authority; and
- (d) not more than four members who are officers of the Authority.

(2) The members mentioned in paragraph (1)(b) above shall include a person with experience in industry.

Transfer of staff

5. Any officer—

- (a) of the Central Blood Laboratories Authority; and
- (b) of the North Western Regional Health Authority who was, immediately before the date upon which this Order comes into force, employed by that authority in the National Directorate of the National Blood Transfusion Service,

shall, on the date of the coming into force of this Order, be transferred to the Authority, and the contract of employment between each such officer and the old authority shall be modified so as to substitute the Authority as the employer in place of the old authority.

(a) See, in particular, sections 13, 17 and 18 of the National Health Service Act 1977 (c. 49); sections 13 and 18 were amended by paragraphs 33, 38 and 92 of Schedule 1 to the Health Services Act 1980 (c. 53) and by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"); section 17 was substituted by paragraph 2 of Schedule 3 to the Health and Social Security Act 1984 (c. 48) and by sections 3(4) and 12(2) of the 1990 Act.

Enforceability of rights

6. Any right which was, immediately before 1st April 1993, enforceable by or against—
- (a) the Central Blood Laboratories Authority; or
 - (b) the North Western Regional Health Authority as respects the exercise of functions in connecton with the National Directorate of the National Blood Transfusion Service;
- shall on or after that date be enforceable by or against the Authority.

Remuneration of members

7. The Authority is hereby specified for the purposes of paragraph 9(7)(b) of Schedule 5 to the National Health Service Act 1977 (definition of "relevant authority" for purposes of paying remuneration to members of health authorities).

Signed by authority of the Secretary of State for Health

Tom Sackville

9th March 1993

Parliamentary Under-Secretary of State
Department of Health

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order provides for the establishment and constitution of a special health authority, to be known as the National Blood Authority ("the Authority"), to exercise functions in relation to the preparation and supply of blood products and the co-ordination, monitoring and publicising of arrangements made by Regional Health Authorities for the collection and supply of blood in their regions.

Article 2 of the Order establishes the National Blood Authority, the functions of which are set out in article 3. Provision is made for the constitution of the Authority (article 4), and in connection with the transfer of staff to, and the enforcement of rights and liabilities by and against, the Authority (articles 5 and 6), and the remuneration of non-officer members of the Authority (article 7).

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1994 No. 589

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

**The National Blood Authority (Establishment and
Constitution) Amendment Order 1994**

<i>Made</i> - - - -	<i>8th March 1994</i>
<i>Laid before Parliament</i>	<i>8th March 1994</i>
<i>Coming into force</i>	<i>1st April 1994</i>

The Secretary of State for Health, in exercise of powers conferred on her by sections 11(1) and (2) and 126(3) of the National Health Service Act 1977(a) and of all other powers enabling her to do so hereby makes the following Order:-

Citation and commencement

1. This Order may be cited as the National Blood Authority (Establishment and Constitution) Amendment Order 1994 and shall come into force on 1st April 1994.

Amendment of Order

2.—(1) The National Blood Authority (Establishment and Constitution) Order 1993(b) is amended in accordance with the following paragraphs of this Article.

(2) In Article 1(2), the definition of “the transfusion service” is omitted.

(3) In Article 3(2)–

(a) after sub-paragraph (a) there is inserted the following sub-paragraph–

“(aa) collecting, screening and processing blood and its constituents and supplying blood, plasma and other blood products for the purposes of the health service”;

(b) sub-paragraphs (f) and (g) are omitted;

(c) for sub-paragraph (h) there is substituted the following sub-paragraph–

“(h) the promotion, by advertisement and otherwise, of the giving of blood and its constituents for the purposes of the health service, with a view in particular to maintaining an adequate number of persons who are willing to give blood or its constituents for those purposes;” and

(d) sub-paragraph (i) is omitted.

(4) In Article 6 the words from “Any right which” to “against the Authority” are designated as paragraph (1) and after that paragraph there are added the following paragraphs:-

“(2) Subject to paragraph (3) of this Article and except in so far as a Regional Health Authority and the Authority agree otherwise before 1st April 1994, all rights enforceable by or against a Regional Health Authority as respects the exercise of functions which

(a) 1977 c. 49; section 11 was amended by paragraph 31 of Schedule 1 to the Health Services Act 1980 (c. 53) and by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); section 126(3) was amended by section 65(2) of the 1990 Act.

(b) S.I. 1993/585.

become on that date functions exercisable by the Authority shall on and after that date instead be enforceable by or against the Authority.

(3) Nothing in paragraph (2) shall transfer an officer to the employment of the Authority (without prejudice to any notice served under the National Health Service (Transfer of Officers) (No.2) Regulations 1986(a)).”.

Signed by authority of the Secretary of State for Health

8th March 1994

Tom Sackville
Parliamentary Under-Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the National Blood Authority (Establishment and Constitution) Order 1993 by conferring on the National Blood Authority functions relating to the collection and supply of blood for the purposes of the health service (which were exercised by Regional Health Authorities) (Article 2(3)) and making amendments consequential upon the removal of those functions from the Regional Health Authorities (Article 2(2) and (4)).

(a) S.I. 1986/524.

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